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In re Application of	:	DECISION ON
NIKITIN et al	:	
Application No.: 10/110,576	:	
PCT No.: PCT/RU99/00385	:	PETITION UNDER
Int. Filing Date: 07 December 2000	:	
Priority Date: 06 November 1999	:	37 CFR 1.10 (C)
Attorney's Docket No.: U 013722-1	:	
For: METHOD OF DECORATIVE ...	:	
MASS LINE PRODUCTION	:	

This decision is in response to the "RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.10," filed on 12 April 2002, which is being treated as a petition under 37 CFR 1.10 (c) requesting that the international filing date of 06 December 2001 be changed to 16 November 2001 for the above identified application.

### **BACKGROUND**

This petition is to correct the international filing date of the above international application that was purported to have been filed on 16 November 2001.

In a decision from this Office on 28 March 2002, the petition filed on 06 December 2001 was dismissed. The decision indicated that items (2) and (3) of 37 CFR 1.10(c) were not made for a filing date on 19 November 2001.

In addition, the arguments under 37 CFR 1.6(e) were not persuasive because petitioner did not provide a clear summary of the facts in mailing the above application with the proper evidence supporting the facts for the relief sought.

On 12 April 2002, petitioner filed the present petition. The petition includes, *inter alia*, a copy of the customer receipt "Express Mail" Label No.: EV 011019189 US with a "date in" of 16 November 2001. The USPTO assigned these papers an international serial number 10/110,576.

## **DISCUSSION**

### **I. DUPLICATE APPLICATIONS FOR ABOVE PAPER :**

As is evident from the above recited facts, applicant submitted a renewed petition for the international application 10/009,921. These papers were improperly assigned an international application numbers thus having two application numbers for the above papers. Consequently, the papers filed in application number 10/110,576 is a duplicate of application number 10/009,921.

The renewed petition in application number 10/110,576 has been place in the application number 10/009,921, and petitioner has been refunded the \$445.00 charged to this application back to the Deposit Account No: 12-0425.

Applicant should use application number **10/009,921** in all future communications with the Patent and Trademark Office.

### **II. DECISION UNDER 37 CFR 1.10(C) :**

Petitioner satisfied requirement (1) under 37 CFR 1.10 with the petition submitted on 06 December 2001. Petitioner has now satisfied requirements (2) and (3) under 37 CFR 1.10 with the renewed petition submitted on 12 April 2002.

A review of the application papers reveals that "Express Mail" Label No. EV011019189US was placed, *inter alia*, on the transmittal letter. Although under the section of the Certification under 37 CFR 1.10 there appears to a typographical error because the "Express Label" No.: was enter as US011019189US, the number is correct at the bottom of the sheet. Thus satisfying 37 CFR 1.10(c)(2).

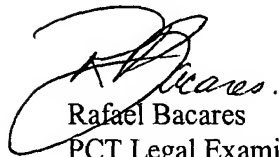
Finally, the copy of the customer receipt of "Express Mail" Label No. US011019189US filed with the present petition identifies the day of deposit as "16 November 2001." 37 CFR 1.10(c)(3).

The requirements under 37 CFR 1.10(c)(1)-(3) have now been satisfied. As such, relief pursuant to 37 CFR 1.10(c) is appropriate..

## **CONCLUSION**

For reasons above, the petition under 37 CFR 1.10(c) is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 including the preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903) and a filing receipt. The 35 USC 371(c) date of this application is **16 November 2001.**



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# POST OFFICE TO ADDRESSEE



EV 011019189



Customer Copy  
Label 11-F August 2000

## ORIGIN (POSTAL USE ONLY)

PO ZIP Code <b>10023</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in Mo: <b>11</b> Day: <b>16</b> Year: <b>01</b>	Time in <input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ <b>19.15</b>
Weight Lbs: <b>1</b> Oz: <b>5</b>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee \$
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Int'l Alpha Country Code	COD Fee Insurance Fee
Acceptance Mark Initials <b>MP</b>	Total Postage & Fees \$ <b>19.15</b>	

SEE REVERSE SIDE  
SERVICE GUARANTEE AND  
ON INSURANCE COVERAGE

WAIVER OF SIGNATURE (For use only. Additional merchandise insurance and delivery of signature is requested. This label may be used without changing signature of addressee. If the addressee is not a business employee, please indicate on label if signature is already and all other than business employee signature would be used for delivery.)

NO DELIVERY ☐ ☐ Customer Signature

## CUSTOMER USE ONLY

### METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

FROM: (PLEASE PRINT) PHONE ( )

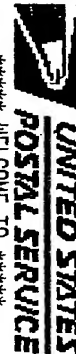
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**NEW YORK**  
**NY 10023-7604**

**MARIA MELIAN**  
**GERALDINE MARTI**

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1. Exp. Mail PQ-ADD 0.00  
Destination: 20231  
Weight: 2lb 1.70oz  
Postage Type: Affixed  
Affix Post.: -19.15  
Total Cost: 19.15  
Base Rate: 19.15  
Label #: EV011019189US

Subtotal 0.00  
Total 0.00

Number of Items Sold: 1